

028001 PUBLISHED IN THE WICHITA EAGLE ON SEPTEMBER 30, 2011

Ordinance No. 49-080

AN ORDINANCE OF THE CITY OF WICHITA ESTABLISHING
THE DOUGLAS AND BROADWAY COMMUNITY IMPROVEMENT DISTRICT

WHEREAS, the provisions of K.S.A. 12-6a26, as amended, (the “CID Act”) set forth the procedure for the establishment of a Community Improvement District (“CID”); and

WHEREAS, the CID Act provides that prior to creating any CID, the Governing Body shall, by resolution, direct and order a public hearing on the advisability of creation of such CID and the construction and expenditure of costs of community improvement district projects relating thereto, and give notice of the hearing by publication once each week for two consecutive weeks in the official City newspaper, the second publication to be at least seven days prior to the hearing, and by the mailing of notice to the owners of property within the proposed CID; and

WHEREAS, the Governing Body of the City adopted Resolution No. R-11-207 (the “Resolution”) on August 23, 2011, directing that a public hearing on the proposed Douglas and Broadway CID be held September 13, 2011, and requiring that the City Clerk provide for notice of such public hearing as set forth in the Act; and

WHEREAS; the Resolution was published once each week for two consecutive weeks in the newspaper and notice of the hearing was given to all property owners within the proposed CID as required by the CID Act; and

WHEREAS, the CID Act further authorizes the City, in order to pay the costs of such projects, to impose a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing of taxable services within a CID in any increment of .10% or .25% not to exceed 2.0% and to reimburse the costs of community improvement district projects from community improvement district sales tax; and

WHEREAS, on September 13, 2011, the Governing Body of the City conducted a public hearing on the proposed “Douglas and Broadway CID”, the proposed community improvement district projects related thereto, the method of financing the same and the imposition of a community improvement district sales tax; and

WHEREAS, the Governing Body of the City hereby finds and determines it to be advisable to create the Douglas and Broadway CID and set forth the boundaries thereof, authorize CID Projects relating thereto, approve the maximum costs of such community improvement district projects, approve the method of financing the same and impose the community improvement district sales tax, all in accordance with the provisions of the CID Act;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF WICHITA, KANSAS:

Section 1. Creation of The Douglas and Broadway CID District. The Governing Body hereby finds and determines it is advisable to create the Douglas and Broadway CID within the City and approve the boundaries thereof, and, as such, hereby creates the Douglas and Broadway CID and approves the boundaries thereof. A legal description of the property within the Douglas and Broadway CID is set forth in Exhibit B attached hereto and incorporated by reference. A map generally outlining the boundaries of the Douglas and Broadway CID is attached hereto as Exhibit C and incorporated herein by reference.

Section 2. Authorization of CID Projects. The Governing Body hereby finds and determines that it is advisable to authorize the community improvement district projects described on the attached Exhibit A, incorporated herein by reference, (the "CID Projects") within the Douglas and Broadway CID and as such authorizes the CID Projects.

Section 3. Maximum Cost. The maximum cost of the CID Projects, exclusive of administrative fees and costs to be paid to the State of Kansas and to the City, is \$2,560,000.

Section 4. Method of Financing The CID Projects will be financed on a pay-as-you-go basis from revenues received from the imposition of a community improvement district sales tax in the amount of two percent (2%) (the "CID Sales Tax") on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailers' sales tax act within the Douglas and Broadway CID. There will be no special assessments levied pursuant to the CID Act within the boundaries of the Douglas and Broadway CID. There will be no bonds issued pursuant to the CID Act.

Section 5. Imposition of the Community Improvement District Sales Tax. In order to provide for the payment of costs of the CID Projects on a pay-as-you-go basis, the Governing Body hereby imposes the CID Sales Tax within the Douglas and Broadway CID in an amount of two percent (2%) on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the Kansas retailers' sales tax act within the Douglas and Broadway CID, with such CID Sales Tax to commence following submittal by the City of a certified copy of the ordinance to the Kansas Department of Revenue. Submittal to the Kansas Department of Revenue shall occur following publication of the ordinance and written notice from the developer requesting submittal. Such CID Sales Tax shall remain in effect for the maximum period provided for in the CID Act, or such period as may be required for payment from CID Sales Tax revenues of the maximum amount of costs approved for CID Projects in Section 3, above, whichever is the lesser period.

Section 6. Collection of the Sales Tax. The collection of the CID Sales Tax shall be made in the manner presented in the CID Act

Section 7. Segregation of the Sales Tax Revenues. All revenues derived from the collection of the CID Sales Tax shall be deposited into a special fund of the City to be designated as the Douglas and Broadway CID Sales Tax Revenue Fund. Such revenues shall be used to pay the costs of the CID Projects on a pay-as-you-go basis and related expenses, including administrative fees and reimbursement to be paid to the State of Kansas and to the City.

Section 8. Effective Date. This Ordinance shall take effect from and after its passage by the Governing Body, and its publication once in the official newspaper of the City.

ADOPTED at Wichita, Kansas, this 27th day of September, 2011.

ATTEST:

Karen Sublett, City Clerk

Carl Brewer, Mayor

Approved as to Form:

Gary E. Rebenstorf, City Attorney

EXHIBIT A

PROJECT

The general nature of the proposed projects (the “**Projects**”) is to partially finance the construction, maintenance, and procurement of certain improvements, costs, and services within the District, for the rehabilitation and conversion of the Douglas Place building at 104 S. Broadway into an upscale boutique, including, but not limited to: land acquisition, infrastructure related items, streets, sidewalks, buildings, facilities, tenant improvements, water management and drainage related items, landscaping, lighting, art, water features and other cultural amenities, ongoing maintenance of the District, marketing, advertisement and economic development, cleaning and maintenance, and the City’s administrative costs in establishing and maintaining the District, and any other items permitted to be financed within the District under the Act.

EXHIBIT B

LEGAL DESCRIPTION

**Lots 1, 3, and 5 on Douglas Avenue, N.A. English's Addition, City of Wichita, Sedgwick County,
Kansas**

EXHIBIT "C"

Proposed Douglas and Broadway Community Improvement District

City of Wichita, Kansas

Proposed
Douglas and Broadway
Community
Improvement
District



Property Parcels within
District



Property Parcels outside
District



Software: ArcGIS 10
Hardware: Dell Xeon
Printer: Laser

Map Data Source:
Property Parcels
provided by
Sedgewick County GIS

Road Centerlines
provided by
City of Wichita

Date: 8/12/2011

Path: C:\projects\Proposed Douglas and Broadway CIP_101.mxd

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N TOPEKA AVE

S TOPEKA AVE

E DOUGLAS AVE

E WILLIAM ST

N BROADWAY AVE

S BROADWAY AVE

NORTH

400

401

121

214

100

331

323

311

309

104

113

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